

# **Exhibit C**



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**Firm Profile:**

Hartley LLP was formed in 2018, from founding partners who had previously worked together for nearly two decades. Hartley LLP attorneys have extensive experience in all aspects of complex plaintiffs' contingency litigation, including antitrust, consumer protection, unfair competition, wage and hour, and other large class action cases.

Hartley LLP lawyers have served as Court-appointed Lead or Co-Lead Class Counsel in multiple coordinated multi-district litigation actions, as well as numerous Executive Committee and other leadership positions in all forms of complex litigation.

Judges in class action cases have stated that Hartley LLP lawyers "ably represented their clients and vigorously pursued their case" and noted Hartley LLP's experience in antitrust and class action litigation, including the ability to navigate difficult litigation hurdles such as overseas depositions while achieving settlements with multiple defendants for class members.

Clients have stated that they have "never had more competent counsel," that Hartley LLP lawyers were "knowledgeable and helped make our case with minimal impact to the business" while being "fun to work with," and that founding partner Jason Hartley is a "fierce negotiator."

## Attorneys

### **Jason S. Hartley** **Founding Partner**

Jason exclusively represents plaintiffs in commercial contingency representation, class action litigation, antitrust, and unfair competition. He is involved in all aspects of civil litigation and has handled cases in both federal and state courts, in litigation and at trial. For the past several years, his practice has involved primarily antitrust and consumer class actions, often representing the largest plaintiff class members in nationwide antitrust actions.



Jason has successfully represented plaintiffs in federal Section 1 (conspiracy) and Section 2 (monopoly) Sherman Act cases and in state law actions alleging unfair business practices, false advertising, pharmaceutical “sham patent” and “pay-for-delay” cases, among other claims. He has developed an expertise litigating against foreign defendants, most notably in Asia. Jason has represented a number of Fortune 500 companies as plaintiffs and served as lead counsel and in senior litigation roles in numerous class actions, which have collectively recovered billions of dollars for plaintiffs.

Jason has obtained notable results for his clients in numerous groundbreaking decisions and on issues of first impression. For example, he obtained the first ever certification of a class of purchasers in a patent related Walker Process antitrust claim (*Alfred T. Giuliano, et al. v. SanDisk Corporation*, Case No. 4:10-cv-02787, ECF 302 (N.D. Ca. 2015)); he obtained the first and only court-ordered denial of ACPERA protection claimed by Defendants cooperating with the Department of Justice, thus increasing three-fold the potential damages available to the plaintiffs he represented (*In re Aftermarket Automotive Lighting Products Antitrust Litigation*, 2013 WL 4536569 (C.D.Ca. 2013)) and he obtained the denial of a motion to dismiss based upon the Foreign Trade Antitrust Improvements Act (“FTAIA”) in a case that helped set the standard for FTAIA dismissal motions (*Fond du Lac Bumper Exchange, Inc. v. Jui Li Enterprise Co. Ltd., et al.*; 753 F. Supp.2d 792 (E.D.Wis. 2010)).

Jason has been appointed by federal courts around the country as plaintiffs’ class counsel in over a dozen cases, which have recovered hundreds of millions of dollars for his clients. He was chosen by the Judges of the Southern District of California to serve as a lawyer representative since 2017, is part of the planning committee for the ABA’s Institute on Class Actions, and regularly speaks at CLE seminars and publishes articles on class and antitrust issues. He was recognized as “Best of the Bar” by the San Diego Business Journal in 2017, a “Man of Influence” by San Diego Metro magazine in 2019 and a 2020 Top Antitrust Attorney by California’s Daily Journal. He serves on the Board of both the American Association for Justice and the Consumer Attorneys of California, has an AV rating and has been selected by his peers as a Super Lawyer for the last eight consecutive years.

## Education

- **Tulane Law School, J.D.** *cum laude* 1997  
**Honors:** Winner, Nathan Burkan Memorial Writing Competition by ASCAP Law Journal; Tulane Journal of International and Comparative Law, Assistant Executive Editor
- **University of California, San Diego, B.A.** 1993
- **Honors:** Provost's Honor List

## Community Involvement

- San Diego Museum of Man, Balboa Park (Board of Trustees)
- San Diego Regional Economic Development Corporation (Policy Committee)
- ElderHelp of San Diego (Fundraising Committee Member)
- YMCA Adventure Guides (Circle Chief)

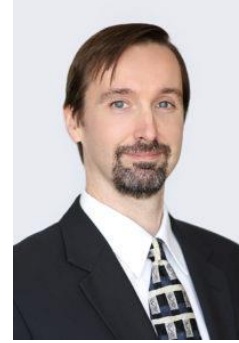
## Professional Organizations

- American Bar Association (Member)
- American Association for Justice (Board of Governors)
- Consumer Attorneys of California (Board of Directors, Board of Governors)
- Consumer Attorneys of San Diego (Member)
- San Diego County Bar Association (Member)
- American Bar Foundation (Fellow)
- The National Trial Lawyers, Top 100 (Member)

## **Jason M. Lindner**

### **Partner**

Jason's practice includes litigation of antitrust, unfair competition, complex business, California wage and hour, Fair Labor Standards Act, and other general class action litigation. He has been involved in all aspects of civil litigation in both federal and state courts.



Jason has successfully represented plaintiffs in federal Section 1 and Section 2 Sherman Act cases and in state law actions alleging unfair business practices. He has also represented classes of plaintiff employees under both the FLSA and under California State wage and hour statutes. He has served as lead counsel and in senior litigation roles in numerous class actions, which have collectively recovered billions of dollars for plaintiffs.

### **Education**

- **University of Miami**, B.A., *cum laude*, 1997
- **University of Pennsylvania**, J.D., 2000

### **Community Involvement & Publications**

- Super Lawyers – San Diego 2015-2018
- Twice received the Wiley M. Manuel award for excellence in providing Pro Bono Legal Services
- “*Class Action Litigation in the United States and Mexico*” – San Diego Bar Panelist and Author (October 2012)
- “*How Does a Participant Withdraw From a Conspiracy?*” Section of the American Bar Association Section of Antitrust Law’s Proof of Conspiracy Under the Federal Antitrust Law
- “*Background of the Illinois Brick Decision*,” Appendix, American Bar Association Section of Antitrust Law’s Indirect Purchaser Litigation Handbook
- Co-Author, “*Monopolization in Telecommunication Markets*,” Chapter of American Bar Association Section of Antitrust Law’s Telecommunications and Antitrust Practice Guide

## Dylan J. McFarland Of Counsel



Dylan brings a wealth of knowledge and experience to the practice of complex commercial civil litigation. Most recently he worked at Heins Mills & Olson, PLC, first as a partner and then as of counsel, where he represented plaintiff classes comprising individuals, governmental entities, and closely and publicly held corporations asserting violations of antitrust, securities fraud, unfair competition, and consumer protection laws. During his career, Dylan has first-chaired more than two dozen trials, and has briefed and argued numerous appeals in both federal and state courts.

Dylan has participated in some of the nation's largest and most challenging cases. In the arena of securities fraud, for example, he was the principal brief writer for the plaintiff shareholder class in *In re AOL Time Warner Securities Litig.* (S.D.N.Y.), which achieved a \$2.65 billion recovery for shareholders who allegedly suffered losses as a result of the merger of AOL and Time Warner. He played a similar role in *In re Broadcom Corp. Securities Litig.* (C.D. Cal.), which recovered \$150 million for shareholders of a semiconductor manufacturer.

Dylan has also been involved in a number of antitrust class actions that have resulted in large recoveries. Examples include *In re Municipal Derivatives Antitrust Litig.* (S.D.N.Y.) (alleging bid-rigging of municipal derivatives by brokers and financial institutions); *In re TFT-LCD (Flat Panel) Antitrust Litig.* (N.D. Cal.) (alleged price-fixing by producers of LCD screens); *In re LIBOR-Based Financial Instruments Antitrust Litig.* (S.D.N.Y.) (alleging conspiracy by British Bankers' Association member banks to manipulate London InterBank Offered Rates); *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litig.* (E.D.N.Y.) (representing opt-out merchants alleging conspiracy by Visa, Mastercard and their network banks to charge excessive fees for accepting their brand credit and debit cards); *In re Lidoderm Antitrust Litig.* (N.D. Cal.) (alleging anticompetitive conduct by pharmaceutical companies to delay generic competition with Lidoderm transdermal patches); *In re Foreign Exchange Benchmark Rates Antitrust Litig.* (S.D.N.Y.) (alleging conspiracy by international financial institutions to manipulate foreign exchange currency rates).

Dylan also worked on class actions arising in other areas of law, including *In re National Hockey League Players' Concussion Injury Litig.* (D. Minn.) (alleging negligence claims against the NHL on behalf of retired NHL hockey players for concussion-related brain injuries); *In Re Target Corporation Customer Data Security Breach Litigation* (D. Minn.) (seeking damages for Target customers caused by one of the largest payment card security breaches in U.S. history); *Simmons v. Kemp* (D. Minn.) (recovering a \$100 million payment from HUD on behalf of the Minneapolis Public Housing Authority and Minneapolis Community Development Agency as part of a consent decree to remedy unlawful racial segregation in the original siting of public housing in Minneapolis).

In addition to his private practice, Dylan was an adjunct Professor of Law from 1997 to 2002 at the Mitchell Hamline School of Law in St. Paul, Minnesota, which has one of the top-

rated clinical programs in the country. In that program he taught law students trial skills, appellate advocacy and legal writing.

## **Education**

### **Harvard Law School**

*J.D. cum laude*

- Note and Comment Editor, *Harvard Civil Rights–Civil Liberties Law Review*
- Legal Writing teaching assistant
- Harvard University varsity men’s track & field and cross–country (one year)

### **University of Minnesota Medical School**

*No degree*

### **University of Minnesota**

*B.A. summa cum laude*

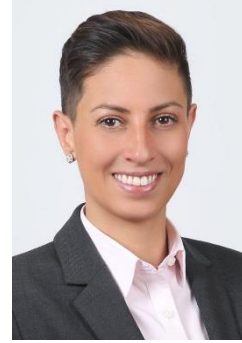
- Phi Beta Kappa
- Varsity men’s track & field and cross–country

## **Community Involvement & Publications**

- Former “Super Lawyer,” *Minnesota Law & Politics*
- Former “Rising Star,” *Minnesota Law & Politics*
- “Litigation Star,” *Benchmark Plaintiff: The Definitive Guide to America’s Leading Plaintiff Firms & Attorneys*

## **Fatima Brizuela**

### **Associate**



Fatima’s practice includes antitrust, unfair competition, and consumer protection litigation with a focus on complex class action matters involving price-fixing, illegal tying, and unlawful monopolization. Fatima has represented classes of individuals and businesses harmed by anticompetitive conduct from initial pre-suit evaluation of claims all the way through to class certification and final approval of final settlements. Fatima’s recent work includes representation of a class of participants who traded futures and options in the foreign exchange market, alleging that defendant banks colluded to manipulate foreign exchange rates, in *In re Foreign Exchange Benchmark Rates Antitrust Litigation* (S.D.N.Y.); *In re Cathode Ray Tube Antitrust Litigation* (N.D. Cal.) (representing an end-user class of businesses and consumers alleging that manufacturers of cathode ray tubes conspired to fix, raise, maintain, and/or stabilize prices, thereby harming end-users who paid artificially inflated prices for CRT products); *In re Disposable Contact Lens Antitrust Litigation* (M.D. Fla.) (representing a class of consumers alleging that manufacturers of disposable contact lenses engaged in a “hub and spoke” conspiracy to coordinate prices through what defendants characterized as “unilateral pricing policies”).

## **Education**

### **California Western School of Law, J.D. 2015**

**Honors:** Wiley M. Manuel award recipient providing Pro Bono Legal Services  
Associate Writer, *California Western International Law Journal*  
AMJUR – Antitrust Law

### **Rutgers University, B.A. 2009**

**Honors:** *Summa Cum Laude*  
Phi Beta Kappa  
Pi Sigma Alpha



## **Teresa Jones**

### **Attorney**

Teresa's practice includes antitrust, unfair competition, and consumer protection litigation with a focus on complex class action matters.

Most recently she worked at Heins Mills & Olson, PLC, where she represented plaintiff classes asserting violations of antitrust, securities fraud, unfair competition, and consumer protection laws.



During her career, Teresa represented plaintiffs in a number of antitrust class actions alleging anticompetitive conduct by pharmaceutical companies to delay entry of lower priced generic drugs into the market, including *In re Lidoderm Antitrust Litigation*, MDL No. 2521 (N.D. Cal.)(resulting in the September 2018 final approval of a \$104.75 million settlement, a week before jury selection, representing one of the largest recoveries by end-payors in a federal “pay-for-delay” generic suppression case in more than a decade); *In re Aggrenox Antitrust Litigation*, MDL No. 2516 (D. Conn.) (resulting in July 2018 final approval of a \$54 million settlement for the end-payor plaintiffs), and *In re Lipitor Antitrust Litigation* MDL No. 2332 (D.N.J.) (antitrust claims for alleged patent fraud, sham litigation and an anti-competitive reverse payment scheme on behalf of proposed class of indirect purchasers).

She is currently working on *In re Generic Pharmaceuticals Pricing Antitrust Litigation*, MDL 2724 (E.D. Pa) (a massive nationwide case alleging that dozens of the world's largest drug makers conspired to raise prices, allocate the market, and prevent competition on commonly used generic drugs); *In re Interior Molded Doors Antitrust Litigation*, 3:18-cv-00718-JAG (E.D. Va.)and 3:18-cv-00850-JAG (E.D. Va.) (alleging that the two largest producers of interior molded doors entered into an illegal price fixing agreement to control the market for interior doors); and, *In re Diisocyanates Antitrust Litigation*, MDL No. 2862 (alleging a conspiracy to fix prices for MDI and TDI products, the precursor ingredients for polyurethane foam).

Teresa's prior experience includes some of the most notable antitrust cases in the country, such as *In re Target Corporation Customer Data Security Breach Litigation* (D. Minn.) (representing consumers against Target Corporation arising from one of the largest payment card security breaches in U.S. history); *In re Domestic Drywall Antitrust Litigation* (E.D. Pa.) (supply and price-fixing claims against manufacturers of gypsum wallboard); *Fond Du Lac Bumper Exchange, Inc., et. al. v. Jui Li Enterprise Company, Ltd., et. al.* (E.D. Wis.) (supply and price-fixing claims against manufacturers and distributors of aftermarket automotive sheet metal parts); *In re Plasma Derivative Protein Therapies Antitrust Litigation* (N.D. Ill.) (supply and price-fixing claims against manufacturers of plasma-derivative protein therapies); *In re Polyurethane Foam Antitrust litigation*, MDL. No. 2196 (N.D. Ohio) (price-fixing claims on behalf of a class of direct purchasers); *Glaberson v. Comcast Corp.* (E.D. Pa.) (antitrust claims against cable services provider on behalf of subscribers); and *In re AOL Time Warner Securities Litigation* (S.D.N.Y) (securities fraud claims on behalf of AOL and Time Warner shareholders, achieving a \$2.65 billion recovery for the plaintiff shareholder class).

Prior to Heins Mills and Olson, Teresa was part of the trial team in a large antitrust class action lawsuit against a major software company which settled in 2007 after several months of trial for \$180 million.

Teresa graduated magna cum laude from William Mitchell College of Law and is admitted to practice in the state courts of Minnesota, the U.S. District Court for the District of Minnesota, and the United States Court of Appeals for the Eighth Circuit. Teresa has held leadership positions in the Minnesota State Bar Association, Hennepin County Bar Association and American Bar Association.

### **Education**

- **William Mitchell College of Law, St. Paul, MN., J.D. 1996**  
**Honors:** Magna Cum Laude
- **University of Minnesota, Minneapolis, MN., B.A. 1992**  
**Honors:** *Honors Major: Sociology / Criminology*

## **Case Results**

**Hartley LLP attorneys have achieved successful results in all forms of complex class action litigation. Below are a select few examples.**

***In re: Urethane Antitrust Litig., No. 04-md-01616 (D. Kan.)***

Hartley LLP attorneys were appointed Co-Lead Counsel for plaintiffs by the court in this nationwide antitrust MDL case. The complaints asserted a class action on behalf of companies in the United States that purchased the input chemicals to manufacture polyurethane products. Polyurethane is made by the combination of a polyol and an isocyanate. The two major polyols used are polyester polyols and polyether polyols. This first Urethanes class action concerned a conspiracy to fix and raise the prices of polyester polyols manufactured by Crompton/Chemtura, Bayer, Rhein Chemie and Uniroyal Chemical. The case settled for over \$33 million.

***Aftermarket Automotive Lighting Prods. Antitrust Litig., No. 09-ML-2007 (C.D. Cal.)***

Hartley LLP attorneys were the first to file this case behalf of a class of businesses that purchased aftermarket automotive lighting products. Months after the civil antitrust cases were filed, the United States Department of Justice intervened in the case and announced their criminal investigation of Defendants antitrust violations. Hartley LLP attorneys, as court-appointed Lead Counsel, worked in conjunction with the DOJ attorneys to bring the case to a successful resolution. The defendants included Taiwan-based companies and their U.S. subsidiaries that manufactured and sold replacement automotive lighting products such as headlights and taillights to businesses around the country. Hartley LLP attorneys reviewed millions of pages of foreign language documents and took numerous foreign language depositions of defendants. The case settled weeks before trial was scheduled to commence for over \$53 million.

***Fond du Lac Bumper v. Gordon, et al., No. 09-CV-0852 (E.D. Wis.)***

Hartley LLP attorneys spent months investigating this proprietary case before filing it in 2009. Hartley LLP are court-appointed Lead Counsel on behalf of companies in the U.S. that purchased automotive sheet metal parts, such as hoods, fenders, and panels. The case alleges that each of the defendants, all of which are located in Taiwan, conspired to fix the prices of aftermarket sheet metal products sold in the United States. Defendants implemented their conspiracy in several ways, including routine price fixing agreements, client allocation, and joint tooling agreements in which some Defendants mothballed their tools for making certain parts in order to give production control to a single Defendant, eliminating competition for the tool and setting higher prices for customers. Hartley LLP attorneys have recovered \$30 million from the Taiwan Defendants so far, and continue to litigate against the remaining Defendants.

***Spangler, et al., v. National College of Technical Instruction, et al., No. 14-cv-03005-DMS-RBB (S.D. Cal.)***

Hartley LLP attorneys were appointed class counsel for a class of students of NCTI, a subsidiary of AMR, one of the country's largest provider of emergency medical responders. Those students alleged that NCTI failed to timely provide the necessary internships as required under the law, misrepresented the duration of instruction before eligibility for licensing as an EMT, and misrepresented the potential for job placement, among many other violations. Even before trial or settlement of the action, Hartley LLP attorneys obtained summary judgment in favor of class members on misrepresentations that NCTI students would receive preferential treatment when seeking jobs with AMR. The case then settled, providing hundreds of thousands of dollars in restitution to students who were delayed in their internships.

***Steve Johnson and Scott Sollitt v. U.S. Bank National Assn., No. 3:19-cv-0286-JLS-LL (S.D. Cal.)***

Hartley LLP represented US Bank loan originators. The complaint alleged that US Bank failed to properly compensate its loan originators, including failing to pay commissions for work done if the employee left US Bank before the loan closed. Judge Sammartino of the Southern District of California granted preliminary approval of a settlement of \$6.5 million in this class action on behalf of California workers. The Court set a final approval hearing in August, 2020.

***Johnson v. Harvest Management Sub Trs Corp., et al., No. 12-cv-00662 (S.D. Cal.)***

Hartley LLP attorneys were co-class counsel on behalf of a class of California managers of retirement communities who alleged that they were not properly paid for overnight shift work. These class members worked in difficult conditions, caring for the sick and elderly, and often had to respond to calls all throughout the night when staying at the facilities, but were not paid for that time. Hartley LLP ultimately obtained a \$5.5 million dollar settlement for the class.

***In re: Bank of America Wage and Hour Employment Practices Litig., No. 10-md-02138 (D. Kan.)***

Hartley LLP attorneys litigated this case as court-appointed Co-Lead Counsel on behalf of a class of all retail bank tellers, loan officers, and call center employees against one of the largest banks in the nation. Class members alleged that, although the bank required overtime, it enforced standards that caused class members to work off-the-clock. Class members also alleged that the bank failed to properly provide meal and rest breaks, and that call center employees were not properly compensated for pre- and post-shift work activities. Hartley LLP attorneys ultimately obtained a \$73 million dollar settlement for the class members.

***Leiszler, et al. v. Align Technologies, No. 10-CV-2010 (N.D. Cal.)***

Hartley LLP attorneys were Class Counsel for a class of more than 22,000 dentists against the maker of Invisalign for unfair competition in suspending or decertifying dentists who did not

prescribe a minimum number of new Invisalign cases. Align Tech unilaterally imposed new restrictions and quota requirements as prerequisites to maintain dentists' certification to prescribe Invisalign after the dentists had already spent thousands of dollars and underwent training to obtain certification. Hartley LLP attorneys obtained a settlement that amounted to a 100% recovery for the class, with a value of more than \$50 million in cash and non-cash relief.

***Alfred T. Giuliano, et al. v. SanDisk Corporation, No. 10-cv-02787 (N.D. Ca.)***

Hartley LLP attorneys were co-lead counsel for a class of purchasers of flash memory products from Sandisk in this "Walker Process" antitrust litigation. Plaintiffs alleged that Sandisk fraudulently obtained its "crown jewel" patents regarding flash technology that it then used to exclude competitors and charge monopoly rents on its customer. The Northern District of California certified the class of purchasers in the nation's first class certification of a Walker Process claim.

***Moore v. The Geo Group, Inc., No. 37-2009-0098066 (Cal. Sup. Ct.)***

Hartley LLP attorneys were Class Counsel in a case representing a group of officers working at private correctional facilities who were not properly paid overtime due to an automatic rounding of their time entries by the facilities' computer systems. The class members ultimately received a confidential settlement which was calculated to be well in excess of the actual time they were owed.

***Zeismer v. Linens-N-Things, No. 06-cv-1194 (S.D. Cal.)***

Hartley LLP attorneys served as Lead Counsel for this nationwide consumer class action alleging false representation of certain bed sheets. Linens N Things claimed that the thread count of its bed sheets was more than twice what it actually was, according to laboratory tests. The settlement resulted in replacement sheets available to every class member around the country.

***In re: Capacitors Antitrust Litigation, No. 14-cv-03264-JD (N.D. Cal.)***

Hartley LLP represents U.S. purchasers of aluminum and tantalum electrolytic capacitors and film capacitors. Capacitors are a ubiquitous passive components found in virtually every electronic device. They store an electric charge which allowed devices to remember data even when they are powered down. The complaint alleges that the major manufacturers of capacitors conspired to fix the prices of products sold in the United States. The defendants include including Panasonic Corporation, SANYO Electric Co., Ltd., NEC TOKIN Corporation, KEMET Corporation, Nippon Chemi-Con Corporation, United Chemi-Con, Inc., Fujitsu Ltd., Nichicon Corporation, AVX Corporation, Rubycon Corporation, ELNA Co., Ltd., Matsuo Electric Co., Ltd., TOSHIN KOGYO Co., Ltd., Holy Stone Enterprise Co., Ltd., Vishay Polytech Co., Ltd., ROHM Co., Ltd., Okaya Electric Industries Co., Ltd., Taitso Corporation, Shinyei Kaisha, Nitsuko Electronics Corporation, Nissei Electric Co., Ltd., Soshin Electric Co., Ltd., and Shizuki Electric Co., Ltd. A criminal investigation by the U.S. Department of Justice into potential antitrust violations in the capacitors industry is ongoing. To date, seven defendants, ELNA, Hitachi, Holy Stone, Matsuo, NEC Tokin, Nichicon, and Rubycon, have pled guilty.

Settlements with all but three defendants total \$400 million. The case continues against the remaining defendants, UCC and NCC.

***Childers IV, et al. v. The New York and Presbyterian Hospital, et al., No. 12-cv-05414 (S.D.N.Y)***

Hartley LLP attorneys represented thousands of medical students who conducted their residency at New York Presbyterian Hospital (NYP), one of the largest hospitals in the country. The complaints alleged that from 1995 to 2001 NYP took FICA taxes out of the residents' paychecks, which deductions were improper for students under a retroactive 2010 IRS rule. When NYP residents asked NYP to file refund requests with the IRS, as every other hospital in the country was doing, the residents learned that NYP had negotiated away its right to request a refund or return of the FICA taxes it had taken from residents' paychecks as part of a settlement NYP made with the IRS in an unrelated dispute. Hartley LLP attorneys negotiated a settlement that got each of the residents a significant portion of their FICA taxes back from NYP.

***In Re: Korean Air Lines Co. Ltd. Antitrust Litig., MDL No. 07-01891 (C.D. Cal.)***

Hartley LLP attorneys served as plaintiffs' counsel in this nationwide class action against Korean Airlines and Asiana Airlines. The plaintiffs alleged that the airlines conspired to fix flight surcharges to passengers flying to and from the United States, costing the passengers millions of dollars. Settlements were reached with the defendants, totaling \$50 million in cash and \$36 million in flight vouchers.

***In re: Buspirone Antitrust Litig., MDL No. 1410 (S.D.N.Y)***

Hartley LLP lawyers represented plaintiffs in this nationwide class action against the manufacturer of the drug Buspar for artificially inflating prices. The case settled for \$535 million.

***In re: Relafen Antitrust Litig., No. 01-12239-WGY (D. Mass.)***

Hartley LLP attorneys represented the world's largest pork producer and only self-insured plaintiff in a nationwide class action against the company manufacturing the drug Relafen for artificially inflating prices. The case settled for \$75 million.

***In re: Methionine Antitrust Litig. No. 00-1311 (N.D. Cal.)***

Hartley LLP attorneys represented the largest plaintiff in a nationwide class action for price fixing an animal feed additive. The case settled for \$109 million.

## **Active Litigation**

**Hartley LLP is constantly involved in prosecution of many forms of complex class action litigation. Below are a few examples of our currently-active cases.**

***In re: Diisocyanates Antitrust Litig., No. 2:18-mc-01001-DWA (W.D. Pa.)***

Hartley LLP was appointed co-lead counsel in this nationwide antitrust price-fixing action. The complaint alleges that the prices of isocyanates MDI and TDI which, when combined with polyols form a polyurethane, were artificially manipulated by their manufacturers. Bayer, BASF, Covestro, Huntsman, Dow, and Mitsui are alleged to have jointly raised prices and engaged in coordinated efforts to close manufacturing plants that limited production and increased prices. The majority of these defendants were previously subpoenaed by the Department of Justice as part of a government investigation into this industry.

***Jessica Robinson, et al. v. Jackson Hewitt, Inc., et al., No. 2:19-cv-9066- SDW-ESK (N.J.)***

Hartley LLP was appointed co-lead counsel in this class action against the tax preparing firm Jackson Hewitt. The complaint alleges an illegal conspiracy among Jackson Hewitt companies not to solicit or poach each other's employees. The effect of these agreements was to depress employees' wages, restrict their ability to move jobs, and limited their leverage to negotiate better pay. The damaging effect was emphasized by the fact that these workers had a unique skillset with the Jackson Hewitt model that made defendants natural alternative employers for these workers across more than 6,000 locations. The case is pending in the District of New Jersey

***Persian Gulf, Inc. v. BP West Coast Products LLC, et al., No. 3:14-cv-1749-DMS-AGS (S.D. Cal.)***

Hartley LLP represents a California class of direct purchasers of gasoline in this antitrust case against the country's largest refiners, BP, Exxon, Chevron, Shell, Valero, Tesoro, Phillips66 and others. The complaint alleges that the defendants coordinated plant shutdowns, exported specially formulated CARBOB outside of California and otherwise conspired to manipulate the market to keep the price of California gasoline artificially high.

***BLS Pharma, Inc. v. Inovio Pharmaceuticals, Inc. and Genetronics, Inc., No. 30-2019-01119045 (Orange County Superior Court)***

Hartley LLP represents BLS Pharma in a breach of contract and misrepresentation case against Inovio (NASDAQ-INO) and Genetronics. The lawsuit alleges that Inovio refused to honor its obligation to supply needle-free syringes (Zetajets) to BLS, which were needed for its testosterone therapy drug-device combination (DDC). BLS's DDC, which presented a clear path to FDA approval, was the only one of its kind and would have permitted patients to administer testosterone in their own homes without the expense, discomfort and infection risk of a needle puncturing the skin. Despite receiving a purchase order, issuing an invoice and receiving



payment, Inovio flatly refused to supply the syringes and provided no legitimate reason for the breach.

***Inclusive Access Course Materials Antitrust Litigation, MDL No. 2946 (JPML) and David Cabral v. Cengage Learning, Inc., et al., No. 1:20-cv-3660 (S.D. NY)***

Hartley LLP represents a putative class of all students who purchased higher education course materials via the publishers' "Inclusive Access" agreements. Inclusive Access agreements provide access codes for students to use on the Publishers' proprietary platform where they access their textbooks and other course materials. While students are able to opt out of the Inclusive Access agreements, the opt out process is misleading and confusing, essentially locking students into using it. This structure effectively denies students the ability to purchase used course materials or seek competitive market prices, and moreover, prohibits students from reselling their course materials once a course has concluded.

***Turlock v. Merck & Co., Inc., No. 18-cv-00352 (E.D. Va.)***

Hartley LLP is pursuing claims on behalf of end-payors of the prescription drug ExForge, which is used to treat high blood pressure. The complaint, filed in the Southern District of New York, alleges that Novartis, Par (now part of Endo) conspired to keep a cheaper generic version of ExForge off the market starting in 2012. Novartis' patent for ExForge expired in 2012, and under the federal Hatch-Waxman Act, Par Pharmaceuticals was poised to introduce a generic version of ExForge in the U.S.. Instead, Par agreed with Novartis to not bring a generic version to market in exchange for over \$100 million in cash value from Novartis. The branded drug ExForge sells over \$400 million annually in the United States alone, so with generic versions taking 80% or more of a market at an average discount of 50% off the price, buyers of the drug suffered hundreds of millions of dollars in damages, according to the complaint.

***In re: Zetia (Ezetimibe) Antitrust Litig., No. 18-md-02836 (E.D. Va.)***

Hartley LLP represents the Turlock Irrigation District in this end-payor antitrust action alleging that Merck, Schering-Plough, and Glenmark Pharmaceuticals conspired to keep the generic version of the drug Zetia, used to reduce cholesterol and prevent the buildup of plaque in arteries, off the market and thus keep prices at inflated levels.

***In re: Railway Industry Employee No-Poach Antitrust Litig., No. 18-mc-00798 (W.D. Pa.)***

Hartley LLP represents one of the named plaintiffs pursuing antitrust claims on behalf of employees against Wabtec and Knorr-Bremse. These companies agreed not to solicit, hire, or poach each other's employees in order to keep wages suppressed. These no-poach agreements restricted competition for their workers, which limited workers' access to better job opportunities, restricted their mobility, and deprived them of significant information that they could have used to negotiate for better terms of employment.



***In re: Packaged Seafood Products Antitrust Litig., No. 15-md-02670 (S.D. Cal.)***

Hartley LLP represents named plaintiff Trepcos Inc. in this nationwide price-fixing case. The complaint alleges that the country's largest packaged seafood and canned tuna producers, including Starkist, Chicken of the Sea and Bumble Bee, conspired to artificially raise the prices of packaged seafood products sold in the United States. The case implicates over \$10 billion of U.S. commerce, and was the subject of a Department of Justice investigation that has already led to multiple criminal guilty pleas among senior executives of the defendant companies. Hartley LLP continues to prosecute the civil action, seeking damages on behalf of purchasers of packaged seafood that overpaid as a result of the unlawful conspiracy.

***In re: Capacitors Antitrust Litigation, No. 14-cv-03264-JD (N.D. Cal.)***

Hartley LLP represents U.S. purchasers of aluminum and tantalum electrolytic capacitors and film capacitors. Capacitors are a ubiquitous passive components found in virtually every electronic device. They store an electric charge which allowed devices to remember data even when they are powered down. The complaint alleges that the major manufacturers of capacitors conspired to fix the prices of products sold in the United States. The defendants include including Panasonic Corporation, SANYO Electric Co., Ltd., NEC TOKIN Corporation, KEMET Corporation, Nippon Chemi-Con Corporation, United Chemi-Con, Inc., Fujitsu Ltd., Nichicon Corporation, AVX Corporation, Rubycon Corporation, ELNA Co., Ltd., Matsuo Electric Co., Ltd., TOSHIN KOGYO Co., Ltd., Holy Stone Enterprise Co., Ltd., Vishay Polytech Co., Ltd., ROHM Co., Ltd., Okaya Electric Industries Co., Ltd., Taitso Corporation, Shinyei Kaisha, Nitsuko Electronics Corporation, Nissei Electric Co., Ltd., Soshin Electric Co., Ltd., and Shizuki Electric Co., Ltd. A criminal investigation by the U.S. Department of Justice into potential antitrust violations in the capacitors industry is ongoing. To date, seven defendants, ELNA, Hitachi, Holy Stone, Matsuo, NEC Tokin, Nichicon, and Rubycon, have pled guilty. Settlements with all but three defendants total \$400 million. The case continues against the remaining defendants, UCC, NCC and Mitsui.

***Fond du Lac Bumper v. Gordon, et al., No. 09-CV-0852 (E.D. Wis.)***

Hartley LLP attorneys spent months investigating this proprietary case before filing it in 2009. Hartley LLP are court-appointed Lead Counsel on behalf of companies in the U.S. that purchased automotive sheet metal parts, such as hoods, fenders, and panels. The case alleges that each of the defendants, all of which are located in Taiwan, conspired to fix the prices of aftermarket sheet metal products sold in the United States. Defendants implemented their conspiracy in several ways, including routine price fixing agreements, client allocation, and joint tooling agreements in which some Defendants mothballed their tools for making certain parts in order to give production control to a single Defendant, eliminating competition for the tool and setting higher prices for customers. Hartley LLP attorneys have recovered \$30 million from the Taiwan Defendants so far, and continue to litigate against the remaining Defendants.

***In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation*, No. 05-md-01720 (E.D.N.Y)**

Hartley LLP attorneys are part of the executive committee in this ground-breaking antitrust case, one of the largest in U.S. history. In it, merchants challenged the very structure of the credit card industry, asserting that the setting of interchange fees by credit card associations and banks constitutes illegal price fixing. The case also challenges the credit card associations' ability to constrain merchant choice by not allowing surcharge fees or minimum purchase amounts for credit card use. The parties reached a settlement on September 18, 2018 for up to \$6.26 billion in cash for merchants across the country. The settlement is currently pending court approval.